

AMENDED IN ASSEMBLY MAY 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 984

Introduced by Assembly Member Correa

February 25, 1999

An act to amend ~~Section 798 of~~ *Sections 798.2, 798.3, 798.4, 798.6, 798.9, 798.10, 798.11, 798.12, 798.14, 798.15, 798.17, 798.19, 798.21, 798.22, 798.23, 798.25.5, 798.26, 798.27, 798.28, 798.285, 798.29, 798.29.5, 798.31, 798.33, 798.34, 798.36, 798.37, 798.39, 798.50, 798.51, 798.55, 798.56, 798.56a, 798.58, 798.61, 798.70, 798.71, 798.72, 798.73, 798.74, 798.75, 798.78, 798.79, 798.80, 798.81, 798.83, 798.87, 798.88, 799, 799.1, 799.2, 799.3, 799.4, 799.5, 799.7, 799.8, and 799.9 of, to amend the heading of Article 7 (commencing with Section 798.70) of Chapter 2.5 of, and to amend the heading of Chapter 2.5 (commencing with Section 798) of, Title 2 of Part 2 of Division 2 of, the Civil Code, relating to mobilehomes.*

LEGISLATIVE COUNSEL'S DIGEST

AB 984, as amended, Correa. Mobilehomes.

Existing law, the Mobilehome Residency Law, generally regulates tenancies within a mobilehome park.

This bill would ~~provide that these provisions shall be known and may be cited as the Manufactured Home Residency Law~~ *replace the term "mobilehome" with "manufactured home" throughout the law.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 798 of the Civil Code is amended to read:~~

~~798. This chapter shall be known and may be cited as the “Manufactured Home Residency Law.”~~

SECTION 1. The heading of Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code is amended to read:

CHAPTER 2.5. ~~MOBILEHOME~~ MANUFACTURED HOME
RESIDENCY LAW

SEC. 2. Section 798.2 of the Civil Code is amended to read:

798.2. “Management” means the owner of a ~~mobilehome~~ manufactured home park or an agent or representative authorized to act on his *or her* behalf in connection with matters relating to a tenancy in the park.

SEC. 3. Section 798.3 of the Civil Code is amended to read:

798.3. (a) ~~“Mobilehome”~~ “Manufactured home” is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. ~~Mobilehome~~ *Manufactured home* includes a manufactured home, as defined in Section 18007 of the Health and Safety Code, and a mobilehome, as defined in Section 18008 of the Health and Safety Code, but, except as provided in subdivision (b), does not include a recreational vehicle, as defined in Section 799.29 of this code and Section 18010 of the Health and Safety Code or a commercial coach as defined in Section 18001.8 of the Health and Safety Code.

(b) ~~“Mobilehome,”~~ “Manufactured home,” for purposes of this chapter, other than Section 798.73, also includes trailers and other recreational vehicles of all types defined in Section 18010 of the Health and Safety Code, other than motor homes, truck campers, and camping trailers, which are used for human habitation if

1 the occupancy criteria of either paragraph (1) or (2), as
2 follows, are met:

3 (1) The trailer or other recreational vehicle occupies
4 a ~~mobilehome~~ *manufactured home* site in the park, on
5 November 15, 1992, under a rental agreement with a term
6 of one month or longer, and the trailer or other
7 recreational vehicle occupied a ~~mobilehome~~
8 *manufactured home* site in the park prior to January 1,
9 1991.

10 (2) The trailer or other recreational vehicle occupies
11 a ~~mobilehome~~ *manufactured home* site in the park for
12 nine or more continuous months commencing on or after
13 November 15, 1992.

14 ~~“Mobilehome”~~ *“Manufactured home”* does not include
15 a trailer or other recreational vehicle located in a
16 recreational vehicle park subject to Chapter 2.6
17 (commencing with Section 799.20), ~~except as otherwise~~
18 ~~provided in subdivision (b) of Section 799.45.~~

19 *SEC. 4. Section 798.4 of the Civil Code is amended to*
20 *read:*

21 798.4. ~~“Mobilehome park”~~ *“Manufactured home”* is
22 an area of land where two or more ~~mobilehome~~
23 *manufactured home* sites are rented, or held out for rent,
24 to accommodate ~~mobilehomes~~ *manufactured homes*
25 used for human habitation.

26 *SEC. 5. Section 798.6 of the Civil Code is amended to*
27 *read:*

28 798.6. *“Park”* is a manufactured housing community
29 as defined in Section 18801 of the Health and Safety Code,
30 or a ~~mobilehome~~ *manufactured home* park.

31 *SEC. 6. Section 798.9 of the Civil Code is amended to*
32 *read:*

33 798.9. *“Homeowner”* is a person who has a tenancy in
34 a ~~mobilehome~~ *manufactured home* park under a rental
35 agreement.

36 *SEC. 7. Section 798.10 of the Civil Code is amended*
37 *to read:*

38 798.10. *“Change of use”* means a use of the park for a
39 purpose other than the rental, or the holding out for rent,
40 of two or more ~~mobilehome~~ *manufactured home* sites to

1 accommodate ~~mobilehomes~~ *manufactured homes* used
2 for human habitation, and does not mean the adoption,
3 amendment, or repeal of a park rule or regulation. A
4 change of use may affect an entire park or any portion
5 thereof. “Change of use” includes, but is not limited to, a
6 change of the park or any portion thereof to a
7 condominium, stock cooperative, planned unit
8 development, or any form of ownership wherein spaces
9 within the park are to be sold.

10 *SEC. 8. Section 798.11 of the Civil Code is amended*
11 *to read:*

12 798.11. “Resident” is a homeowner or other person
13 who lawfully occupies a ~~mobilehome~~ *manufactured*
14 *home*.

15 *SEC. 9. Section 798.12 of the Civil Code is amended*
16 *to read:*

17 798.12. “Tenancy” is the right of a homeowner to the
18 use of a site within a ~~mobilehome~~ *manufactured home*
19 park on which to locate, maintain, and occupy a
20 ~~mobilehome~~ *manufactured home*, site improvements,
21 and accessory structures for human habitation, including
22 the use of the services and facilities of the park.

23 *SEC. 10. Section 798.14 of the Civil Code is amended*
24 *to read:*

25 798.14. Unless otherwise provided, all notices
26 required by this chapter shall be either delivered
27 personally to the homeowner or deposited in the United
28 States mail, postage prepaid, addressed to the
29 homeowner at his or her site within the ~~mobilehome~~
30 *manufactured home* park.

31 *SEC. 11. Section 798.15 of the Civil Code is amended*
32 *to read:*

33 798.15. The rental agreement shall be in writing and
34 shall contain, in addition to the provisions otherwise
35 required by law to be included, all of the following:

36 (a) The term of the tenancy and the rent therefor.

37 (b) The rules and regulations of the park.

38 (c) A copy of the text of this chapter shall be attached
39 as an exhibit and shall be incorporated into the rental
40 agreement by reference. Management shall provide all

homeowners with a copy of this chapter prior to February 1 of each year, if a significant change was made in the chapter by legislation enacted in the prior year.

(d) A provision specifying that (1) it is the responsibility of the management to provide and maintain physical improvements in the common facilities in good working order and condition and (2) with respect to a sudden or unforeseeable breakdown or deterioration of these improvements, the management shall have a reasonable period of time to repair the sudden or unforeseeable breakdown or deterioration and bring the improvements into good working order and condition after management knows or should have known of the breakdown or deterioration. For purposes of this subdivision, a reasonable period of time to repair a sudden or unforeseeable breakdown or deterioration shall be as soon as possible in situations affecting a health or safety condition, and shall not exceed 30 days in any other case except where exigent circumstances justify a delay.

(e) A description of the physical improvements to be provided the homeowner during his or her tenancy.

(f) A provision listing those services which will be provided at the time the rental agreement is executed and will continue to be offered for the term of tenancy and the fees, if any, to be charged for those services.

(g) A provision stating that management may charge a reasonable fee for services relating to the maintenance of the land and premises upon which a ~~mobile home~~ *manufactured home* is situated in the event the homeowner fails to maintain the land or premises in accordance with the rules and regulations of the park after written notification to the homeowner and the failure of the homeowner to comply within 14 days. The written notice shall state the specific condition to be corrected and an estimate of the charges to be imposed by management if the services are performed by management or its agent.

(h) All other provisions governing the tenancy.

SEC. 12. Section 798.17 of the Civil Code is amended to read:

1 798.17. (a) (1) Rental agreements meeting the
2 criteria of subdivision (b) shall be exempt from any
3 ordinance, rule, regulation, or initiative measure adopted
4 by any local governmental entity which establishes a
5 maximum amount that a landlord may charge a tenant for
6 rent. The terms of a rental agreement meeting the
7 criteria of subdivision (b) shall prevail over conflicting
8 provisions of an ordinance, rule, regulation, or initiative
9 measure limiting or restricting rents in ~~mobilehome~~
10 *manufactured home* parks, only during the term of the
11 rental agreement or one or more uninterrupted,
12 continuous extensions thereof. If the rental agreement is
13 not extended and no new rental agreement in excess of
14 12 months' duration is entered into, then the last rental
15 rate charged for the space under the previous rental
16 agreement shall be the base rent for purposes of
17 applicable provisions of law concerning rent regulation,
18 if any.

19 (2) In the first sentence of the first paragraph of a
20 rental agreement entered into on or after January 1, 1993,
21 pursuant to this section, there shall be set forth a provision
22 in at least 12-point boldface type if the rental agreement
23 is printed, or in capital letters if the rental agreement is
24 typed, giving notice to the homeowner that the rental
25 agreement will be exempt from any ordinance, rule,
26 regulation, or initiative measure adopted by any local
27 governmental entity which establishes a maximum
28 amount that a landlord may charge a tenant for rent.

29 (b) Rental agreements subject to this section shall
30 meet all of the following criteria:

31 (1) The rental agreement shall be in excess of 12
32 months' duration.

33 (2) The rental agreement shall be entered into
34 between the management and a homeowner for the
35 personal and actual residence of the homeowner.

36 (3) The homeowner shall have at least 30 days from
37 the date the rental agreement is first offered to the
38 homeowner to accept or reject the rental agreement.

39 (4) The homeowner who executes a rental agreement
40 offered pursuant to this section may void the rental

1 agreement by notifying management in writing within 72
2 hours of the homeowner's execution of the rental
3 agreement.

4 (c) If, pursuant to paragraph (3) or (4) of subdivision
5 (b), the homeowner rejects the offered rental agreement
6 or rescinds a signed rental agreement, the homeowner
7 shall be entitled to instead accept, pursuant to Section
8 798.18, a rental agreement for a term of 12 months or less
9 from the date the offered rental agreement was to have
10 begun. In the event the homeowner elects to have a
11 rental agreement for a term of 12 months or less,
12 including a month-to-month rental agreement, the rental
13 agreement shall contain the same rental charges, terms,
14 and conditions as the rental agreement offered pursuant
15 to subdivision (b), during the first 12 months, except for
16 options, if any, contained in the offered rental agreement
17 to extend or renew the rental agreement.

18 (d) Nothing in subdivision (c) shall be construed to
19 prohibit the management from offering gifts of value,
20 other than rental rate reductions, to homeowners who
21 execute a rental agreement pursuant to this section.

22 (e) With respect to any space in a ~~mobilehome~~
23 *manufactured home* park that is exempt under
24 subdivision (a) from any ordinance, rule, regulation, or
25 initiative measure adopted by any local governmental
26 entity that establishes a maximum amount that a landlord
27 may charge a homeowner for rent, and notwithstanding
28 any ordinance, rule, regulation, or initiative measure, a
29 ~~mobilehome~~ *manufactured home* park shall not be
30 assessed any fee or other exaction for a park space that is
31 exempt under subdivision (a) imposed pursuant to any
32 ordinance, rule, regulation, or initiative measure. No
33 other fee or other exaction shall be imposed for a park
34 space that is exempt under subdivision (a) for the
35 purpose of defraying the cost of administration thereof.

36 (f) At the time the rental agreement is first offered to
37 the homeowner, the management shall provide written
38 notice to the homeowner of the homeowner's right (1) to
39 have at least 30 days to inspect the rental agreement, and
40 (2) to void the rental agreement by notifying

1 management in writing within 72 hours of the acceptance
2 of a rental agreement. The failure of the management to
3 provide the written notice shall make the rental
4 agreement voidable at the homeowner's option upon the
5 homeowner's discovery of the failure. The receipt of any
6 written notice provided pursuant to this subdivision shall
7 be acknowledged in writing by the homeowner.

8 (g) No rental agreement subject to subdivision (a)
9 that is first entered into on or after January 1, 1993, shall
10 have a provision which authorizes automatic extension or
11 renewal of, or automatically extends or renews, the rental
12 agreement for a period beyond the initial stated term at
13 the sole option of either the management or the
14 homeowner.

15 (h) This section does not apply to or supersede other
16 provisions of this part or other state law.

17 *SEC. 13. Section 798.19 of the Civil Code is amended*
18 *to read:*

19 798.19. No rental agreement for a ~~mobilehome~~
20 *manufactured home* shall contain a provision by which
21 the homeowner waives his or her rights under ~~the~~
22 ~~provisions of~~ Articles 1 to 8, inclusive, of this chapter. Any
23 such waiver shall be deemed contrary to public policy and
24 void.

25 *SEC. 14. Section 798.21 of the Civil Code is amended*
26 *to read:*

27 798.21. (a) Notwithstanding Section 798.17, if a
28 ~~mobilehome~~ *manufactured home* space within a
29 ~~mobilehome~~ *manufactured home* park is not the
30 principal residence of the homeowner and the
31 homeowner has not rented the ~~mobilehome~~
32 *manufactured home* to another party, it shall be exempt
33 from any ordinance, rule, regulation, or initiative
34 measure adopted by any city, county, or city and county,
35 which establishes a maximum amount that the landlord
36 may charge a tenant for rent.

37 (b) Nothing in this section is intended to require any
38 homeowner to disclose information concerning his or her
39 personal finances. Nothing in this section shall be
40 construed to authorize management to gain access to any

1 records which would otherwise be confidential or
2 privileged.

3 (c) For purposes of this section, a ~~mobilehome~~
4 *manufactured home* shall be deemed to be the principal
5 residence of the homeowner, unless a review of state or
6 county records demonstrates that the homeowner is
7 receiving a homeowner's exemption for another
8 property or ~~mobilehome~~ *manufactured home* in this
9 state.

10 (d) Before modifying the rent or other terms of
11 tenancy as a result of a review of state or county records,
12 as described in subdivision (c), the management shall
13 notify the homeowner, in writing, of the proposed
14 changes and provide the homeowner with a copy of the
15 documents upon which management relied.

16 (e) The homeowner shall have 90 days from the date
17 the notice described in subdivision (d) is mailed to review
18 and respond to the notice. Management shall not modify
19 the rent or other terms of tenancy prior to the expiration
20 of the 90-day period or prior to responding, in writing, to
21 information provided by the homeowner. Management
22 shall not modify the rent or other terms of tenancy if the
23 homeowner provides documentation reasonably
24 establishing that the information provided by
25 management is incorrect or that the homeowner is not
26 the same person identified in the documents. However,
27 nothing in this subdivision shall be construed to authorize
28 the homeowner to change the homeowner's exemption
29 status of the other property or ~~mobilehome~~ owned by the
30 homeowner.

31 (f) This section shall not apply under any of the
32 following conditions:

33 (1) The homeowner is unable to rent or lease the
34 ~~mobilehome~~ *manufactured home* because the owner or
35 management of the ~~mobilehome~~ *manufactured home*
36 park in which the ~~mobilehome~~ *manufactured home* is
37 located does not permit, or the rental agreement limits or
38 prohibits, the assignment of the ~~mobilehome~~
39 *manufactured home* or the subletting of the park space.

1 (2) The ~~mobilehome~~ *manufactured home* is being
2 actively held available for sale by the homeowner, or
3 pursuant to a listing agreement with a real estate broker
4 licensed pursuant to Chapter 3 (commencing with
5 Section 10130) of Part 1 of Division 4 of the Business and
6 Professions Code, or a ~~mobilehome~~ *manufactured home*
7 dealer, as defined in Section 18002.6 of the Health and
8 Safety Code.

9 (3) The legal owner has taken possession or ownership,
10 or both, of the ~~mobilehome~~ *manufactured home* from a
11 registered owner through either a surrender of
12 ownership interest by the registered owner or a
13 foreclosure proceeding.

14 *SEC. 15. Section 798.22 of the Civil Code is amended*
15 *to read:*

16 798.22. (a) In any new ~~mobilehome~~ *manufactured*
17 *home park* that is developed after January 1, 1982,
18 ~~mobilehome~~ *manufactured home* spaces shall not be
19 rented for the accommodation of recreational vehicles as
20 defined by Section 799.29 unless the ~~mobilehome~~
21 *manufactured home* park has a specifically designated
22 area within the park for recreational vehicles, which is
23 separate and apart from the area designated for
24 ~~mobilehomes~~ *manufactured homes*. Recreational
25 vehicles may be located only in the specifically
26 designated area.

27 (b) Any new ~~mobilehome~~ *manufactured home* park
28 that is developed after January 1, 1982, is not subject to ~~the~~
29 ~~provisions of~~ this section until 75 percent of the spaces
30 have been rented for the first time.

31 *SEC. 16. Section 798.23 of the Civil Code is amended*
32 *to read:*

33 798.23. (a) The owner of the park, and any person
34 employed by the park, shall be subject to, and comply
35 with, all park rules and regulations, to the same extent as
36 residents and their guests.

37 (b) This section shall not apply to either of the
38 following:

39 (1) Any rule or regulation that governs the age of any
40 resident or guest.

(2) Acts of a park owner or park employee which are undertaken to fulfill a park owner's maintenance, management, and business operation responsibilities.

(c) This section shall not affect in any way, either to validate or invalidate, nor does this section express a legislative policy judgment in favor of or against, the enforcement of a park rule or regulation which prohibits or restricts the subletting of a ~~mobilehome~~ *manufactured home* park space by a tenant.

SEC. 17. Section 798.25.5 of the Civil Code is amended to read:

798.25.5. Any rule or regulation of a ~~mobilehome~~ *manufactured home* park that (a) is unilaterally adopted by the management, (b) is implemented without the consent of the homeowners, and (c) by its terms purports to deny homeowners their right to a trial by jury or which would mandate binding arbitration of any dispute between the management and homeowners shall be void and unenforceable.

SEC. 18. Section 798.26 of the Civil Code is amended to read:

798.26. (a) Except as provided in subdivision (b), and notwithstanding any other provision of law to the contrary, the ownership or management of a park, subdivision, cooperative, or condominium for ~~mobilehomes~~ *manufactured homes* shall have no right of entry to a ~~mobilehome~~ *manufactured home* without the prior written consent of the resident. ~~Such~~ *This* consent may be revoked in writing by the resident at any time. The ownership or management shall have a right of entry upon the land upon which a ~~mobilehome~~ *manufactured home* is situated for maintenance of utilities, for maintenance of the premises in accordance with the rules and regulations of the park when the homeowner or resident fails to so maintain the premises, and protection of the ~~mobilehome~~ *manufactured home* park, subdivision, cooperative, or condominium at any reasonable time, but not in a manner or at a time ~~which~~ *that* would interfere with the resident's quiet enjoyment.

(b) The ownership or management of a park, subdivision, cooperative, or condominium for ~~mobilehomes~~ *manufactured homes* may enter a ~~mobilehome~~ *manufactured home* without the prior written consent of the resident in case of an emergency or when the resident has abandoned the ~~mobilehome~~ *manufactured home*.

SEC. 19. Section 798.27 of the Civil Code is amended to read:

798.27. (a) The management shall give written notice to all homeowners and prospective homeowners concerning the following matters: (1) the nature of the zoning or use permit under which the ~~mobilehome~~ *manufactured home* park operates. If the ~~mobilehome~~ *manufactured home* park is operating pursuant to a permit subject to a renewal or expiration date, the relevant information and dates shall be included in the notice. (2) The duration of any lease of the ~~mobilehome~~ *manufactured home* park, or any portion thereof, in which the management is a lessee.

(b) If a change occurs concerning the zoning or use permit under which the park operates or a lease in which the management is a lessee, all homeowners shall be given written notice within 30 days of that change. Notification regarding the change of use of the park, or any portion thereof, shall be governed by subdivision (g) of Section 798.56. A prospective homeowner shall be notified prior to the inception of the tenancy.

SEC. 20. Section 798.28 of the Civil Code is amended to read:

798.28. The management of a ~~mobilehome~~ *manufactured home* park shall disclose, in writing, the name, business address, and business telephone number of the ~~mobilehome~~ *manufactured home* park owner upon the request of a homeowner.

SEC. 21. Section 798.285 of the Civil Code is amended to read:

798.285. The management may cause the removal, pursuant to Section 22658 of the Vehicle Code, of a vehicle other than a ~~mobilehome~~ *manufactured home*

1 which is parked in the park when there is displayed a sign
2 at each entrance to the park as provided in paragraph (1)
3 of subdivision (a) of Section 22658 of the Vehicle Code.

4 *SEC. 22. Section 798.29 of the Civil Code is amended*
5 *to read:*

6 798.29. The management shall post a ~~mobilehome~~
7 *manufactured home* ombudsman sign provided by the
8 Department of Housing and Community Development,
9 as required by Section 18253.5 of the Health and Safety
10 Code.

11 *SEC. 23. Section 798.29.5 of the Civil Code is amended*
12 *to read:*

13 798.29.5. The management shall provide, by posting
14 notice on the ~~mobilehomes~~ *manufactured homes* of all
15 affected homeowners and residents, at least 72 hours'
16 written advance notice of an interruption in utility
17 service of more than two hours for the maintenance,
18 repair, or replacement of facilities of utility systems over
19 which the management has control within the park,
20 provided that the interruption is not due to an
21 emergency. The management shall be liable only for
22 actual damages sustained by a homeowner or resident for
23 violation of this section.

24 "Emergency," for purposes of this section, means the
25 interruption of utility service resulting from an accident
26 or act of nature, or cessation of service caused by other
27 than the management's regular or planned maintenance,
28 repair, or replacement of utility facilities.

29 *SEC. 24. Section 798.31 of the Civil Code is amended*
30 *to read:*

31 798.31. A homeowner shall not be charged a fee for
32 other than rent, utilities, and incidental reasonable
33 charges for services actually rendered.

34 A homeowner shall not be charged a fee for obtaining
35 a lease on a ~~mobilehome~~ *manufactured home* lot for (1)
36 a term of 12 months, or (2) a lesser period as the
37 homeowner may request. A fee may be charged for a
38 lease of more than one year if the fee is mutually agreed
39 upon by both the homeowner and management.

1 *SEC. 25. Section 798.33 of the Civil Code is amended*
2 *to read:*

3 798.33. (a) A homeowner shall not be charged a fee
4 for keeping a pet in the park unless the management
5 actually provides special facilities or services for pets. If
6 special pet facilities are maintained by the management,
7 the fee charged shall reasonably relate to the cost of
8 maintenance of the facilities or services and the number
9 of pets kept in the park.

10 (b) If the management of a ~~mobilehome~~
11 *manufactured home* park implements a rule or
12 regulation prohibiting residents from keeping pets in the
13 park, the new rule or regulation shall not apply to prohibit
14 the residents from continuing to keep the pets currently
15 in the park if the pet otherwise conforms with the
16 previous park rules or regulations relating to pets.
17 However, if the pet dies or no longer lives with the
18 resident, the resident does not have the right to replace
19 the pet.

20 (c) Any rule or regulation prohibiting residents from
21 keeping pets in the ~~mobilehome~~ *manufactured home*
22 park shall not apply to guide dogs, signal dogs, or service
23 dogs.

24 *SEC. 26. Section 798.34 of the Civil Code is amended*
25 *to read:*

26 798.34. (a) A homeowner shall not be charged a fee
27 for a guest who does not stay with him or her for more
28 than a total of 20 consecutive days or a total of 30 days in
29 a calendar year. A person who is a guest, as described in
30 this subdivision, shall not be required to register with the
31 management.

32 (b) A homeowner who is living alone and who wishes
33 to share his or her ~~mobilehome~~ *manufactured home* with
34 one person may do so, and a fee shall not be imposed by
35 management for that person. The person shall be
36 considered a guest of the homeowner and any agreement
37 between the homeowner and the person shall not change
38 the terms and conditions of the rental agreement
39 between management and the homeowner. The guest

1 shall comply with the provisions of the rules and
2 regulations of the ~~mobilehome~~ *manufactured home* park.

3 (c) A senior homeowner may share his or her
4 ~~mobilehome~~ *manufactured home* with any person over
5 18 years of age if that person is providing live-in health
6 care or live-in supportive care to the homeowner
7 pursuant to a written treatment plan prepared by the
8 homeowner's physician. A fee shall not be charged by
9 management for that person. That person shall have no
10 rights of tenancy in the park, and any agreement between
11 the homeowner and the person shall not change the
12 terms and conditions of the rental agreement between
13 management and the homeowner. That person shall
14 comply with the rules and regulations of the ~~mobilehome~~
15 *manufactured home* park. As used in this subdivision,
16 "senior homeowner" means a homeowner who is 55 years
17 of age or older.

18 (d) A senior homeowner who resides in a ~~mobilehome~~
19 *manufactured home* park that has implemented rules or
20 regulations limiting residency based on age requirements
21 for housing for older persons, pursuant to Section 798.76,
22 may share his or her ~~mobilehome~~ *manufactured home*
23 with any person over 18 years of age if this person is a
24 parent, sibling, child, or grandchild of the senior
25 homeowner and requires live-in health care, live-in
26 supportive care, or supervision pursuant to a written
27 treatment plan prepared by a physician and surgeon.
28 Management may not charge a fee for this person. Any
29 agreement between the senior homeowner and this
30 person shall not change the terms and conditions of the
31 rental agreement between management and the senior
32 homeowner. Unless otherwise agreed upon, park
33 management shall not be required to manage, supervise,
34 or provide for this person's care during his or her stay in
35 the ~~mobilehome~~ *manufactured home* park. This person
36 shall have no rights of tenancy in the park, but shall
37 comply with the rules and regulations of the ~~mobilehome~~
38 *manufactured home* park. A violation of the mobilehome
39 park rules and regulations by this person shall be deemed
40 a violation of the rules and regulations by the homeowner

1 pursuant to subdivision (d) of Section 798.56. As used in
2 this subdivision, “senior homeowner” means a
3 homeowner who is 55 years of age or older.

4 *SEC. 27. Section 798.36 of the Civil Code is amended*
5 *to read:*

6 798.36. A homeowner shall not be charged a fee for
7 the enforcement of any of the rules and regulations of the
8 park, except a reasonable fee may be charged by
9 management for the maintenance of the land and
10 premises upon which the ~~mobilehome~~ *manufactured*
11 *home* is situated in the event the homeowner fails to do
12 so in accordance with the rules and regulations of the park
13 after written notification to the homeowner and the
14 failure of the homeowner to comply within 14 days. The
15 written notice shall state the specific condition to be
16 corrected and an estimate of the charges to be imposed
17 by management if the services are performed by
18 management or its agent.

19 *SEC. 28. Section 798.37 of the Civil Code is amended*
20 *to read:*

21 798.37. A homeowner shall not be charged a fee for
22 the entry, installation, hookup, or landscaping as a
23 condition of tenancy except for an actual fee or cost
24 imposed by a local governmental ordinance or
25 requirement directly related to the occupancy of the
26 specific site upon which the ~~mobilehome~~ *manufactured*
27 *home* is located and not incurred as a portion of the
28 development of the ~~mobilehome~~ *manufactured home*
29 park as a whole. However, reasonable landscaping and
30 maintenance requirements may be included in the park
31 rules and regulations. The management shall not require
32 a homeowner or prospective homeowner to purchase,
33 rent, or lease goods or services for landscaping from any
34 person, company, or corporation.

35 *SEC. 29. Section 798.39 of the Civil Code is amended*
36 *to read:*

37 798.39. (a) The management may only demand a
38 security deposit on or before initial occupancy and the
39 security deposit may not be in an amount or value in
40 excess of an amount equal to two months’ rent that is

charged at the inception of the occupancy, in addition to any rent for the first month. In no event shall additional security deposits be demanded of a homeowner following the initial occupancy.

(b) As to all security deposits collected on or after January 1, 1989, after the homeowner has promptly paid to the management within five days of the date the amount is due, all of the rent, utilities, and reasonable service charges for any 12-consecutive-month period subsequent to the collection of the security deposit by the management, or upon resale of the ~~mobilehome~~ *manufactured home*, whichever occurs earlier, the management shall, upon the receipt of a written request from the homeowner, refund to the homeowner the amount of the security deposit within 30 days following the end of the 12-consecutive-month period of the prompt payment or the date of the resale of the ~~mobilehome~~ *manufactured home*.

(c) As to all security deposits collected prior to January 1, 1989, in the event that the ~~mobilehome~~ *manufactured home* park is sold or transferred to any other party or entity, the selling park owner shall deposit in escrow an amount equal to all security deposits that the park owner holds. The seller's escrow instructions shall direct that, upon close of escrow, the security deposits therein that were held by the selling park owner (including the period in escrow) for 12 months or more, shall be disbursed to the persons who paid the deposits to the selling park owner and promptly paid, within five days of the date the amount is due, all rent, utilities, and reasonable service charges for the 12-month period preceding the close of escrow.

(d) Any and all security deposits in escrow that were held by the selling park owner that are not required to be disbursed pursuant to subdivision (b) or (c) shall be disbursed to the successors in interest to the selling or transferring park owner, who shall have the same obligations of the park's management and ownership specified in this section with respect to security deposits. The disbursement may be made in escrow by a debit against

1 the selling park owner and a credit to the successors in
2 interest to the selling park owner.

3 (e) The management shall not be required to place
4 any security deposit collected in an interest-bearing
5 account or to provide a homeowner with any interest on
6 the security deposit collected.

7 (f) Nothing in this section shall affect the validity of
8 title to real property transferred in violation of this
9 section.

10 *SEC. 30. Section 798.50 of the Civil Code is amended*
11 *to read:*

12 798.50. It is the intent of the Legislature in enacting
13 this article to ensure that homeowners and residents of
14 ~~mobilehome~~ *manufactured home* parks have the right to
15 peacefully assemble and freely communicate with one
16 another and with others with respect to ~~mobilehome~~
17 *manufactured home* living or for social or educational
18 purposes.

19 *SEC. 31. Section 798.51 of the Civil Code is amended*
20 *to read:*

21 798.51. No provision contained in any ~~mobilehome~~
22 *manufactured home* park rental agreement, rule, or
23 regulation shall deny or prohibit the right of any
24 homeowner or resident in the park to do any of the
25 following:

26 (a) Peacefully assemble or meet in the park, at
27 reasonable hours and in a reasonable manner, for any
28 lawful purpose. Meetings may be held in the park
29 community or recreation hall or clubhouse when the
30 facility is not otherwise in use, and, with the consent of the
31 homeowner, in any ~~mobilehome~~ *manufactured home*
32 within the park.

33 (b) Invite public officials, candidates for public office,
34 or representatives of ~~mobilehome~~ *manufactured home*
35 owner organizations to meet with homeowners and
36 residents and speak upon matters of public interest, in
37 accordance with Section 798.50.

38 (c) Canvass and petition homeowners and residents
39 for noncommercial purposes relating to ~~mobilehome~~
40 *manufactured home* living, election to public office, or

1 the initiative, referendum, or recall processes, at
2 reasonable hours and in a reasonable manner, including
3 the distribution or circulation of information.

4 *SEC. 32. Section 798.55 of the Civil Code is amended*
5 *to read:*

6 798.55. (a) The Legislature finds and declares that,
7 because of the high cost of moving ~~mobilehomes~~
8 *manufactured homes*, the potential for damage resulting
9 therefrom, the requirements relating to the installation
10 of ~~mobilehomes~~ *manufactured homes*, and the cost of
11 landscaping or lot preparation, it is necessary that the
12 owners of ~~mobilehomes~~ *manufactured homes* occupied
13 within ~~mobilehome~~ *manufactured home* parks be
14 provided with the unique protection from actual or
15 constructive eviction afforded by ~~the provisions of~~ this
16 chapter.

17 (b) The management shall not terminate or refuse to
18 renew a tenancy, except for a reason specified in this
19 article and upon the giving of written notice to the
20 homeowner in the manner prescribed by Section 1162 of
21 the Code of Civil Procedure, to remove the ~~mobilehome~~
22 *manufactured home* from the park within a period of not
23 less than 60 days, which period shall be specified in the
24 notice. A copy of this notice shall be sent to the legal
25 owner, as defined in Section 18005.8 of the Health and
26 Safety Code, each junior lienholder, as defined in Section
27 18005.3 of the Health and Safety Code, and the registered
28 owner of the ~~mobilehome~~ *manufactured home*, if other
29 than the homeowner, by United States mail within 10
30 days after notice to the homeowner. The copy may be
31 sent by regular mail or by certified or registered mail with
32 return receipt requested, at the option of the
33 management. If the homeowner has not paid the rent due
34 within three days after notice to the homeowner, and if
35 the first notice was not sent by certified or registered mail
36 with return receipt requested, a copy of the notice shall
37 again be sent to the legal owner, each junior lienholder,
38 and the registered owner, if other than the homeowner,
39 by certified or registered mail with return receipt
40 requested within 10 days after notice to the homeowner.

1 Copies of the notice shall be addressed to the legal owner,
2 each junior lienholder, and the registered owner at their
3 addresses, as set forth in the registration card specified in
4 Section 18091.5 of the Health and Safety Code.

5 (c) The resident of a ~~mobilehome~~ *manufactured*
6 *home* that remains in the mobilehome park after service
7 of the notice to remove the ~~mobilehome~~ *manufactured*
8 *home* shall continue to be subject to this chapter and the
9 rules and regulations of the park, including rules
10 regarding maintenance of the space.

11 (d) No lawful act by the management to enforce this
12 chapter or the rules and regulations of the park may be
13 deemed or construed to waive or otherwise affect the
14 notice to remove the ~~mobilehome~~ *manufactured home*.

15 *SEC. 33. Section 798.56 of the Civil Code is amended*
16 *to read:*

17 798.56. A tenancy shall be terminated by the
18 management only for one or more of the following
19 reasons:

20 (a) Failure of the homeowner or resident to comply
21 with a local ordinance or state law or regulation relating
22 to ~~mobilehomes~~ *manufactured homes* within a
23 reasonable time after the homeowner receives a notice of
24 noncompliance from the appropriate governmental
25 agency.

26 (b) Conduct by the homeowner or resident, upon the
27 park premises, that constitutes a substantial annoyance to
28 other homeowners or residents.

29 (c) Conviction of the homeowner or resident for
30 prostitution or a felony controlled substance offense if the
31 act resulting in the conviction was committed anywhere
32 on the premises of the ~~mobilehome~~ *manufactured home*
33 park, including, but not limited to, within the
34 homeowner's ~~mobilehome~~ *manufactured home*.

35 However the tenancy may not be terminated for the
36 reason specified in this subdivision if the person convicted
37 of the offense has permanently vacated, and does not
38 subsequently reoccupy, the ~~mobilehome~~ *manufactured*
39 *home*.

1 (d) Failure of the homeowner or resident to comply
2 with a reasonable rule or regulation of the park that is part
3 of the rental agreement or any amendment thereto.

4 No act or omission of the homeowner or resident shall
5 constitute a failure to comply with a reasonable rule or
6 regulation unless and until the management has given
7 the homeowner written notice of the alleged rule or
8 regulation violation and the homeowner or resident has
9 failed to adhere to the rule or regulation within seven
10 days. However, if a homeowner has been given a written
11 notice of an alleged violation of the same rule or
12 regulation on three or more occasions within a 12-month
13 period after the homeowner or resident has violated that
14 rule or regulation, no written notice shall be required for
15 a subsequent violation of the same rule or regulation.

16 Nothing in this subdivision shall relieve the
17 management from its obligation to demonstrate that a
18 rule or regulation has in fact been violated.

19 (e) (1) Nonpayment of rent, utility charges, or
20 reasonable incidental service charges; provided that the
21 amount due has been unpaid for a period of at least five
22 days from its due date, and provided that the homeowner
23 shall be given a three-day written notice subsequent to
24 that five-day period to pay the amount due or to vacate
25 the tenancy. For purposes of this subdivision, the five-day
26 period does not include the date the payment is due. The
27 three-day written notice shall be given to the homeowner
28 in the manner prescribed by Section 1162 of the Code of
29 Civil Procedure. A copy of this notice shall be sent to the
30 persons or entities specified in subdivision (b) of Section
31 798.55 within 10 days after notice is delivered to the
32 homeowner. If the homeowner cures the default, the
33 notice need not be sent. The notice may be given at the
34 same time as the 60 days' notice required for termination
35 of the tenancy.

36 (2) Payment by the homeowner prior to the
37 expiration of the three-day notice period shall cure a
38 default under this subdivision. If the homeowner does not
39 pay prior to the expiration of the three-day notice period,

1 the homeowner shall remain liable for all payments due
2 up until the time the tenancy is vacated.

3 (3) Payment by the legal owner, as defined in Section
4 18005.8 of the Health and Safety Code, any junior
5 lienholder, as defined in Section 18005.3 of the Health and
6 Safety Code, or the registered owner, as defined in
7 Section 18009.5 of the Health and Safety Code, if other
8 than the homeowner, on behalf of the homeowner prior
9 to the expiration of 30 calendar days following the mailing
10 of the notice to the legal owner, each junior lienholder,
11 and the registered owner provided in subdivision (b) of
12 Section 798.55, shall cure a default under this subdivision
13 with respect to that payment.

14 (4) Cure of a default of rent, utility charges, or
15 reasonable incidental service charges by the legal owner,
16 any junior lienholder, or the registered owner, if other
17 than the homeowner, as provided by this subdivision,
18 may not be exercised more than twice during a 12-month
19 period.

20 (5) If a homeowner has been given a three-day notice
21 to pay the amount due or to vacate the tenancy on three
22 or more occasions within the preceding 12-month period,
23 no written three-day notice shall be required in the case
24 of a subsequent nonpayment of rent, utility charges, or
25 reasonable incidental service charges.

26 In that event, the management shall give written
27 notice to the homeowner in the manner prescribed by
28 Section 1162 of the Code of Civil Procedure to remove the
29 mobilehome from the park within a period of not less than
30 60 days, which period shall be specified in the notice. A
31 copy of this notice shall be sent to the legal owner, each
32 junior lienholder, and the registered owner of the
33 ~~mobilehome~~ *manufactured home*, if other than the
34 homeowner, as specified in paragraph (b) of Section
35 798.55, by certified or registered mail return receipt
36 requested within 10 days after notice is sent to the
37 homeowner.

38 (6) When a copy of the 60 days' notice described in
39 paragraph (5) is sent to the legal owner, each junior
40 lienholder, and the registered owner of the ~~mobilehome~~

1 *manufactured home*, if other than the homeowner, the
2 default may be cured by any of them on behalf of the
3 homeowner prior to the expiration of 30 calendar days
4 following the mailing of the notice, if all of the following
5 conditions exist:

6 (A) A copy of a three-day notice sent pursuant to
7 subdivision (b) of Section 798.55 to a homeowner for the
8 nonpayment of rent, utility charges, or reasonable
9 incidental service charges was not sent to the legal owner,
10 junior lienholder, or registered owner, of the
11 ~~mobilehome~~ *manufactured home*, if other than the
12 homeowner, during the preceding 12-month period.

13 (B) The legal owner, junior lienholder, or registered
14 owner of the ~~mobilehome~~ *manufactured home*, if other
15 than the homeowner, has not previously cured a default
16 of the homeowner during the preceding 12-month
17 period.

18 (C) The legal owner, junior lienholder or registered
19 owner, if other than the homeowner, is not a financial
20 institution or ~~mobilehome~~ *manufactured home* dealer.

21 If the default is cured by the legal owner, junior
22 lienholder, or registered owner within the 30-day period,
23 the notice to remove the ~~mobilehome~~ *manufactured*
24 *home* from the park described in paragraph (5) shall be
25 rescinded.

26 (f) Condemnation of the park.

27 (g) Change of use of the park or any portion thereof,
28 provided:

29 (1) The management gives the homeowners at least 15
30 days' written notice that the management will be
31 appearing before a local governmental board,
32 commission, or body to request permits for a change of
33 use of the ~~mobilehome~~ *manufactured home* park.

34 (2) After all required permits requesting a change of
35 use have been approved by the local governmental
36 board, commission, or body, the management shall give
37 the homeowners six months' or more written notice of
38 termination of tenancy.

39 If the change of use requires no local governmental
40 permits, then notice shall be given 12 months or more

1 prior to the management's determination that a change
2 of use will occur. The management in the notice shall
3 disclose and describe in detail the nature of the change of
4 use.

5 (3) The management gives each proposed
6 homeowner written notice thereof prior to the inception
7 of his or her tenancy that the management is requesting
8 a change of use before local governmental bodies or that
9 a change of use request has been granted.

10 (4) The notice requirements for termination of
11 tenancy set forth in Sections 798.56 and 798.57 shall be
12 followed if the proposed change actually occurs.

13 (5) A notice of a proposed change of use given prior to
14 January 1, 1980, that conforms to the requirements in
15 effect at that time shall be valid. The requirements for a
16 notice of a proposed change of use imposed by this
17 subdivision shall be governed by the law in effect at the
18 time the notice was given.

19 (h) The report required pursuant to subdivisions (b)
20 and (i) of Section 65863.7 of the Government Code shall
21 be given to the homeowners or residents at the same time
22 that notice is required pursuant to subdivision (g) of this
23 section.

24 (i) For purposes of this section, "financial institution"
25 means a state or national bank, state or federal savings
26 and loan association or credit union, or similar
27 organization, and ~~mobilehome~~ *manufactured home*
28 dealer as defined in Section 18002.6 of the Health and
29 Safety Code or any other organization that, as part of its
30 usual course of business, originates, owns, or provides loan
31 servicing for loans secured by a ~~mobilehome~~
32 *manufactured home*.

33 *SEC. 34. Section 798.56a of the Civil Code is amended*
34 *to read:*

35 798.56a. (a) Within 60 days after receipt of, or no
36 later than 65 days after the mailing of, the notice of
37 termination of tenancy pursuant to any reason provided
38 in Section 798.56, the legal owner, if any, and each junior
39 lienholder, if any, shall notify the management in writing
40 of at least one of the following:

(1) Its offer to sell the obligation secured by the ~~mobilehome~~ *manufactured home* to the management for the amount specified in its written offer. In that event, the management shall have 15 days following receipt of the offer to accept or reject the offer in writing. If the offer is rejected, the person or entity that made the offer shall have 10 days in which to exercise one of the other options contained in this section and shall notify management in writing of its choice.

(2) Its intention to foreclose on its security interest in the ~~mobilehome~~ *manufactured home*.

(3) Its request that the management pursue the termination of tenancy against the homeowner and its offer to reimburse management for the reasonable attorney's fees and court costs incurred by the management in that action. If this request and offer are made, the legal owner, if any, or junior lienholder, if any, shall reimburse the management the amount of reasonable attorney's fees and court costs, as agreed upon by the management and the legal owner or junior lienholder, incurred by the management in an action to terminate the homeowner's tenancy, on or before the earlier of (A) the 60th calendar day following receipt of written notice from the management of the aggregate amount of those reasonable attorney's fees and costs or (B) the date the mobilehome is resold.

(b) A legal owner, if any, or junior lienholder, if any, may sell the ~~mobilehome~~ *manufactured home* within the park to a third party and keep the ~~mobilehome~~ *manufactured home* on the site within the ~~mobilehome~~ *manufactured home* park until it is resold only if all of the following requirements are met:

(1) The legal owner, if any, or junior lienholder, if any, notifies management in writing of the intention to exercise either option described in paragraph (2) or (3) of subdivision (a) within 60 days following receipt of, or no later than 65 days after the mailing of, the notice of termination of tenancy and satisfies all of the responsibilities and liabilities of the homeowner owing to the management for the 90 days preceding the mailing of

1 the notice of termination of tenancy and then continues
2 to satisfy these responsibilities and liabilities as they
3 accrue from the date of the mailing of that notice until the
4 date the ~~mobilehome~~ *manufactured home* is resold.

5 (2) Within 60 days following receipt of, or no later than
6 65 days after the mailing of, the notice of termination of
7 tenancy, the legal owner or junior lienholder commences
8 all repairs and necessary corrective actions so that the
9 ~~mobilehome~~ *manufactured home* complies with park
10 rules and regulations in existence at the time the notice
11 of termination of tenancy was given as well as the health
12 and safety standards specified in Sections 18550, 18552,
13 and 18605 of the Health and Safety Code, and completes
14 these repairs and corrective actions within 90 calendar
15 days of that notice, or before the date that the
16 ~~mobilehome~~ *manufactured home* is sold, whichever is
17 earlier.

18 (3) The legal owner, if any, or junior lienholder, if any,
19 complies with ~~the requirements of~~ Article 7
20 (commencing with Section 798.70) as it relates to the
21 transfer of the ~~mobilehome~~ *manufactured home* to a
22 third party.

23 (c) For purposes of subdivision (b), the “homeowner’s
24 responsibilities and liabilities” means all rents, utilities,
25 reasonable maintenance charges of the ~~mobilehome~~
26 *manufactured home* and its premises, and reasonable
27 maintenance of the ~~mobilehome~~ *manufactured home*
28 and its premises pursuant to existing park rules and
29 regulations.

30 (d) If the homeowner files for bankruptcy, the periods
31 set forth in this section are tolled until the ~~mobilehome~~
32 *manufactured home* is released from bankruptcy.

33 (e) Notwithstanding any other provision of law,
34 including, but not limited to, Section 18099.5 of the Health
35 and Safety Code, if neither the legal owner nor a junior
36 lienholder notifies the management of its decision
37 pursuant to subdivision (a) within the period allowed, or
38 performs as agreed within 30 days, or if a registered
39 owner of a ~~mobilehome~~ *manufactured home*, that is not
40 encumbered by a lien held by a legal owner or a junior

1 lienholder, fails to comply with a notice of termination
2 and is either legally evicted or vacates the premises, the
3 management may either remove the ~~mobilehome~~
4 *manufactured home* from the premises and place it in
5 storage or store it on its site. In this case, notwithstanding
6 any other provision of law, the management shall have a
7 warehouseman's lien in accordance with Section 7209 of
8 the Commercial Code against the ~~mobilehome~~
9 *manufactured home* for the costs of dismantling and
10 moving, if appropriate, as well as storage, that shall be
11 superior to all other liens, except the lien provided for in
12 Section 18116.1 of the Health and Safety Code, and may
13 enforce the lien pursuant to Section 7210 of the
14 Commercial Code either after the date of judgment in an
15 unlawful detainer action or after the date the
16 ~~mobilehome~~ *manufactured home* is physically vacated by
17 the resident, whichever occurs earlier. Upon completion
18 of any sale to enforce the warehouseman's lien in
19 accordance with Section 7210 of the Commercial Code,
20 the management shall provide the purchaser at the sale
21 with evidence of the sale, as shall be specified by the
22 Department of Housing and Community Development,
23 that shall, upon proper request by the purchaser of the
24 ~~mobilehome~~ *manufactured home*, register title to the
25 mobilehome to this purchaser, whether or not there
26 existed a legal owner or junior lienholder on this title to
27 the ~~mobilehome~~ *manufactured home*.

28 (f) All written notices required by this section shall be
29 sent to the other party by certified or registered mail with
30 return receipt requested.

31 (g) Satisfaction, pursuant to this section, of the
32 homeowner's accrued or accruing responsibilities and
33 liabilities shall not cure the default of the homeowner.

34 *SEC. 35. Section 798.58 of the Civil Code is amended*
35 *to read:*

36 798.58. No tenancy shall be terminated for the
37 purpose of making a homeowner's site available for a
38 person who purchased a ~~mobilehome~~ *manufactured*
39 *home* from the owner of the park or his or her agent.

1 SEC. 36. Section 798.61 of the Civil Code is amended
2 to read:

3 798.61. (a) (1) As used in this section, “abandoned
4 ~~mobilehome~~” *manufactured home*” means a
5 ~~mobilehome~~ *manufactured home* about which all of the
6 following are true:

7 (A) It is located in a ~~mobilehome~~ *manufactured home*
8 park on a site for which no rent has been paid to the
9 management for the preceding 60 days.

10 (B) It is unoccupied.

11 (C) A reasonable person would believe it to be
12 abandoned.

13 (2) For purposes of this section:

14 (A) “~~Mobilehome~~” “*Manufactured home*” shall
15 include a trailer coach, as defined in Section 635 of the
16 Vehicle Code, or a recreational vehicle, as defined in
17 Section 18010 of the Health and Safety Code, if the trailer
18 coach or recreational vehicle also satisfies the
19 requirements of paragraph (1), including being located
20 on any site within a ~~mobilehome~~ *manufactured home*
21 park, even if the site is in a separate designated section
22 pursuant to Section 18215 of the Health and Safety Code.

23 (B) “~~Abandoned mobilehome~~” *manufactured home*”
24 shall include a ~~mobilehome~~ *manufactured home* that is
25 uninhabitable because of its total or partial destruction
26 that cannot be rehabilitated, if the ~~mobilehome~~
27 *manufactured home* also satisfies the requirements of
28 paragraph (1).

29 (b) After determining a ~~mobilehome~~ *manufactured*
30 *home* in a ~~mobilehome~~ *manufactured home* park to be an
31 abandoned ~~mobilehome~~ *manufactured home*, the
32 management shall post a notice of belief of abandonment
33 on the ~~mobilehome~~ *manufactured home* for not less than
34 30 days, and shall deposit copies of the notice in the
35 United States mail, postage prepaid, addressed to the
36 homeowner at the last known address and to any known
37 registered owner, if different from the homeowner, and
38 to any known holder of a security interest in the
39 abandoned ~~mobilehome~~ *manufactured home*. This

1 notice shall be mailed by registered or certified mail with
2 a return receipt requested.

3 (c) Thirty or more days following posting pursuant to
4 subdivision (b), the management may file a petition in
5 the municipal court for the judicial district in which the
6 ~~mobilehome~~ *manufactured home* park is located, or in
7 the superior court in a county in which there is no
8 municipal court, for a judicial declaration of
9 abandonment of the ~~mobilehome~~ *manufactured home*. A
10 proceeding under this subdivision is a limited civil case.
11 Copies of the petition shall be served upon the
12 homeowner, any known registered owner, and any
13 known person having a lien or security interest of record
14 in the ~~mobilehome~~ *manufactured home* by posting a copy
15 on the ~~mobilehome~~ *manufactured home* and mailing
16 copies to those persons at their last known addresses by
17 registered or certified mail with a return receipt
18 requested in the United States mail, postage prepaid.

19 (d) (1) Hearing on the petition shall be given
20 precedence over other matters on the court's calendar.

21 (2) If, at the hearing, the petitioner shows by a
22 preponderance of the evidence that the criteria for an
23 abandoned ~~mobilehome~~ *manufactured home* has been
24 satisfied and no party establishes an interest therein at the
25 hearing, the court shall enter a judgment of
26 abandonment, determine the amount of charges to which
27 the petitioner is entitled, and award attorney's fees and
28 costs to the petitioner. For purposes of this subdivision, an
29 interest in the ~~mobilehome~~ *manufactured home* shall be
30 established by evidence of a right to possession of the
31 ~~mobilehome~~ *manufactured home* or a security or
32 ownership interest in the ~~mobilehome~~ *manufactured*
33 *home*.

34 (3) A default may be entered by the court clerk upon
35 request of the petitioner, and a default judgment shall be
36 thereupon entered, if no responsive pleading is filed
37 within 15 days after service of the petition by mail.

38 (e) (1) Within 10 days following a judgment of
39 abandonment, the management shall enter the
40 abandoned ~~mobilehome~~ *manufactured home* and

1 complete an inventory of the contents and submit the
2 inventory to the court.

3 (2) During this period the management shall post and
4 mail notice of intent to sell the abandoned—~~mobilehome~~
5 *manufactured home* and its contents under this section,
6 and announcing the date of sale, in the same manner as
7 provided for the notice of determination of abandonment
8 under subdivision (b).

9 (3) At any time prior to the sale of a—~~mobilehome~~
10 *manufactured home* under this section, any person
11 having a right to possession of the—~~mobilehome~~
12 *manufactured home* may recover and remove it from the
13 premises upon payment to the management of all rent or
14 other charges due, including reasonable costs of storage
15 and other costs awarded by the court. Upon receipt of this
16 payment and removal of the—~~mobilehome~~ *manufactured*
17 *home* from the premises pursuant to this paragraph, the
18 management shall immediately file an acknowledgment
19 of satisfaction of judgment pursuant to Section 724.030 of
20 the Code of Civil Procedure.

21 (f) Following the judgment of abandonment, but not
22 less than 10 days following the notice of sale specified in
23 subdivision (e), the management may conduct a public
24 sale of the abandoned—~~mobilehome~~ *manufactured home*
25 and its contents. The management may bid at the sale and
26 shall have the right to offset its bids to the extent of the
27 total amount due it under this section. The proceeds of
28 the sale shall be retained by the management, but any
29 unclaimed amount thus retained over and above the
30 amount to which the management is entitled under this
31 section shall be deemed abandoned property and shall be
32 paid into the treasury of the county in which the sale took
33 place within 30 days of the date of the sale. The former
34 homeowner or any other owner may claim any or all of
35 that unclaimed amount within one year from the date of
36 payment to the county by making application to the
37 county treasurer or other official designated by the
38 county. If the county pays any or all of that unclaimed
39 amount to a claimant, neither the county nor any officer

or employee of the county is liable to any other claimant as to the amount paid.

(g) Within 30 days of the date of the sale, the management shall submit to the court an accounting of the moneys received from the sale and the disposition of the money and the items contained in the inventory submitted to the court pursuant to subdivision (e).

(h) The management shall provide the purchaser at the sale with a copy of the judgment of abandonment and evidence of the sale, as shall be specified by the State Department of Housing and Community Development or the Department of Motor Vehicles, which shall register title in the abandoned—~~mobilehome~~ *manufactured home* to the purchaser upon presentation thereof. The sale shall pass title to the purchaser free of any prior interest, including any security interest or lien, except the lien provided for in Section 18116.1 of the Health and Safety Code, in the abandoned—~~mobilehome~~ *manufactured home*.

SEC. 37. The heading of Article 7 (commencing with Section 798.70) of Chapter 2.5 of Title 2 of Part 2 of Division 2 of the Civil Code is amended to read:

Article 7. Transfer of ~~Mobilehome~~ *Manufactured Home* or ~~Mobilehome~~ *Manufactured Home Park*

SEC. 38. Section 798.70 of the Civil Code is amended to read:

798.70. A homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a ~~mobilehome~~ *manufactured home* in the ~~mobilehome~~ *manufactured home* park through the death of the owner of the—~~mobilehome~~ *manufactured home* who was a homeowner at the time of his or her death, or the agent of any such person, may advertise the sale or exchange of his or her ~~mobilehome~~ *manufactured home*, or, if not prohibited by the terms of an agreement with the management, may advertise the rental of his or her ~~mobilehome~~ *manufactured home*, by displaying a sign in the window of the—~~mobilehome~~ *manufactured home*, or

1 by a sign posted on the side of the ~~mobilehome~~
2 *manufactured home* facing the street, or by a sign in front
3 of the ~~mobilehome~~ *manufactured home* facing the street,
4 stating that the ~~mobilehome~~ *manufactured home* is for
5 sale or exchange or, if not prohibited, for rent by the
6 owner of the ~~mobilehome~~ *manufactured home* or his or
7 her agent. ~~Any such~~ *this* person also may display a sign
8 conforming to these requirements indicating that the
9 ~~mobilehome~~ *manufactured home* is on display for an
10 “open house,” unless the park rules prohibit the display
11 of an open house sign. The sign shall state the name,
12 address, and telephone number of the owner of the
13 ~~mobilehome~~ *manufactured home* or his or her agent and
14 the sign face shall not exceed 24 inches in width and 36
15 inches in height. Signs posted in front of a ~~mobilehome~~
16 *manufactured home* pursuant to this section may be of an
17 H-frame or A-frame design with the sign face
18 perpendicular to, but not extending into, the street.
19 Homeowners may attach to the sign or their ~~mobilehome~~
20 *manufactured home* tubes or holders for leaflets ~~which~~
21 *that* provide information on the ~~mobilehome~~
22 *manufactured home* for sale, exchange, or rent.

23 *SEC. 39. Section 798.71 of the Civil Code is amended*
24 *to read:*

25 798.71. (a) The management shall not show or list for
26 sale a manufactured home or ~~mobilehome~~ *manufactured*
27 *home* without first obtaining the owner’s written
28 authorization. The authorization shall specify the terms
29 and conditions regarding the showing or listing.

30 (b) The management shall prohibit neither the listing
31 nor the sale of a manufactured home or ~~mobilehome~~
32 *manufactured home* within the park by the homeowner,
33 an heir, joint tenant, or personal representative of the
34 estate who gains ownership of a ~~mobilehome~~
35 *manufactured home* in the ~~mobilehome~~ *manufactured*
36 *home* park through the death of the owner of the
37 ~~mobilehome~~ *manufactured home* who was a homeowner
38 at the time of his or her death, or the agent of any such
39 person other than the management, nor require the
40 selling homeowner, or an heir, joint tenant, or personal

representative of the estate who gains ownership of a ~~mobilehome~~ *manufactured home* in the ~~mobilehome~~ *manufactured home* park through the death of the owner of the ~~mobilehome~~ *manufactured home* who was a homeowner at the time of his or her death, to authorize the management to act as the agent in the sale of a manufactured home or ~~mobilehome~~ *manufactured home* as a condition of management's approval of the buyer or prospective homeowner for residency in the park.

Nothing in this section shall be construed as affecting the provisions of the Health and Safety Code governing the licensing of manufactured home or ~~mobilehome~~ *manufactured home* salespersons or dealers.

SEC. 40. Section 798.72 of the Civil Code is amended to read:

798.72. (a) The management shall not charge a homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a ~~mobilehome~~ *manufactured home* in the ~~mobilehome~~ *manufactured home* park through the death of the owner of the ~~mobilehome~~ *manufactured home* who was a homeowner at the time of his or her death, or the agent of any such person a transfer or selling fee as a condition of a sale of his ~~mobilehome~~ *or her manufactured home* within a park unless the management performs a service in the sale. The management shall not perform any such service in connection with the sale unless so requested, in writing, by the homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a ~~mobilehome~~ *manufactured home* in the ~~mobilehome~~ *manufactured home* park through the death of the owner of the ~~mobilehome~~ *manufactured home* who was a homeowner at the time of his or her death, or the agent of any such person.

(b) The management shall not charge a prospective homeowner or his or her agent, upon purchase of a ~~mobilehome~~ *manufactured home*, a fee as a condition of approval for residency in a park unless the management performs a specific service in the sale. The management shall not impose a fee, other than for a credit check in

1 accordance with subdivision (b) of Section 798.74, for an
2 interview of a prospective homeowner.

3 *SEC. 41. Section 798.73 of the Civil Code is amended*
4 *to read:*

5 798.73. The management shall not require the
6 removal of a ~~mobilehome~~ *manufactured home* from the
7 park in the event of its sale to a third party during the
8 term of the homeowner's rental agreement. However, in
9 the event of a sale to a third party, in order to upgrade the
10 quality of the park, the management may require that a
11 ~~mobilehome~~ *manufactured home* be removed from the
12 park where:

13 (a) It is not a ~~"mobilehome"~~ *"manufactured home"*
14 within the meaning of Section 798.3.

15 (b) It is more than 20 years old, or more than 25 years
16 old if manufactured after September 15, 1971, and is 20
17 feet wide or more, and the ~~mobilehome~~ *manufactured*
18 *home* does not comply with the health and safety
19 standards provided in Sections 18550, 18552, and 18605 of
20 the Health and Safety Code and the regulations
21 established thereunder, as determined following an
22 inspection by the appropriate enforcement agency, as
23 defined in Section 18207 of the Health and Safety Code.

24 (c) The ~~mobilehome~~ *manufactured home* is more
25 than 17 years old, or more than 25 years old if
26 manufactured after September 15, 1971, and is less than
27 20 feet wide, and the ~~mobilehome~~ *manufactured home*
28 does not comply with the construction and safety
29 standards under Sections 18550, 18552, and 18605 of the
30 Health and Safety Code and the regulations established
31 thereunder, as determined following an inspection by the
32 appropriate enforcement agency, as defined in Section
33 18207 of the Health and Safety Code.

34 (d) It is in a significantly rundown condition or in
35 disrepair, as determined by the general condition of the
36 ~~mobilehome~~ *manufactured home* and its acceptability to
37 the health and safety of the occupants and to the public,
38 exclusive of its age. The management shall use reasonable
39 discretion in determining the general condition of the
40 ~~mobilehome~~ *manufactured home* and its accessory

1 structures. The management shall bear the burden of
2 demonstrating that the ~~mobilehome~~ *manufactured home*
3 is in a significantly rundown condition or in disrepair. The
4 management of the park shall not require repairs or
5 improvements to the park space or property owned by
6 the management, except for damage caused by the
7 actions or negligence of the homeowner or an agent of
8 the homeowner.

9 *SEC. 42. Section 798.74 of the Civil Code is amended*
10 *to read:*

11 798.74. (a) The management may require the right
12 of prior approval of a purchaser of a ~~mobilehome~~
13 *manufactured home* that will remain in the park and that
14 the selling homeowner or his or her agent give notice of
15 the sale to the management before the close of the sale.
16 Approval cannot be withheld if the purchaser has the
17 financial ability to pay the rent and charges of the park
18 unless the management reasonably determines that,
19 based on the purchaser's prior tenancies, he or she will
20 not comply with the rules and regulations of the park. In
21 determining whether the purchaser has the financial
22 ability to pay the rent and charges of the park, the
23 management shall not require the purchaser to submit
24 copies of any personal income tax returns in order to
25 obtain approval for residency in the park. However,
26 management may require the purchaser to document the
27 amount and source of his or her gross monthly income or
28 means of financial support.

29 Upon request of any prospective homeowner who
30 proposes to purchase a ~~mobilehome~~ *manufactured home*
31 that will remain in the park, management shall inform
32 that person of the information management will require
33 in order to determine if the person will be acceptable as
34 a homeowner in the park.

35 Within 15 business days of receiving all of the
36 information requested from the prospective homeowner,
37 the management shall notify the seller and the
38 prospective homeowner, in writing, of either acceptance
39 or rejection of the application, and the reason if rejected.
40 During this 15-day period the prospective homeowner

1 shall comply with the management's request, if any, for
2 a personal interview. If the approval of a prospective
3 homeowner is withheld for any reason other than those
4 stated in this article, the management or owner may be
5 held liable for all damages proximately resulting
6 therefrom.

7 (b) If the management collects a fee or charge from a
8 prospective purchaser of a ~~mobilehome~~ *manufactured*
9 *home* in order to obtain a financial report or credit rating,
10 the full amount of the fee or charge shall be credited
11 toward payment of the first month's rent for that
12 ~~mobilehome~~ *manufactured home* purchaser. If, for
13 whatever reason, the prospective purchaser is rejected by
14 the management, the management shall refund to the
15 prospective purchaser the full amount of that fee or
16 charge within 30 days from the date of rejection. If the
17 prospective purchaser is approved by the management,
18 but, for whatever reason, the prospective purchaser
19 elects not to purchase the ~~mobilehome~~ *manufactured*
20 *home*, the management may retain the fee, or a portion
21 thereof, to defray its administrative costs under this
22 section.

23 *SEC. 43. Section 798.75 of the Civil Code is amended*
24 *to read:*

25 798.75. (a) An escrow, sale, or transfer agreement
26 involving a ~~mobilehome~~ *manufactured home* located in
27 a park at the time of the sale, where the ~~mobilehome~~
28 *manufactured home* is to remain in the park, shall contain
29 a copy of either a fully executed rental agreement or a
30 statement signed by the park's management and the
31 prospective homeowner that the parties have agreed to
32 the terms and conditions of a rental agreement.

33 (b) In the event the purchaser fails to execute the
34 rental agreement, the purchaser shall not have any rights
35 of tenancy.

36 (c) In the event that an occupant of a ~~mobilehome~~
37 *manufactured home* has no rights of tenancy and is not
38 otherwise entitled to occupy the ~~mobilehome~~
39 *manufactured home* pursuant to this chapter, the
40 occupant is considered an unlawful occupant if, after a

1 demand is made for the surrender of the ~~mobilehome~~
2 *manufactured home* park site, for a period of five days,
3 the occupant refuses to surrender the site to the
4 ~~mobilehome~~ *manufactured home* park management. In
5 the event the unlawful occupant fails to comply with the
6 demand, the unlawful occupant shall be subject to the
7 proceedings set forth in Chapter 4 (commencing with
8 Section 1159) of Title 3 of Part 3 of the Code of Civil
9 Procedure.

10 (d) The occupant of the ~~mobilehome~~ *manufactured*
11 *home* shall not be considered an unlawful occupant and
12 shall not be subject to ~~the provisions of~~ subdivision (c) if
13 all of the following conditions are present:

14 (1) The occupant is the registered owner of the
15 ~~mobilehome~~ *manufactured home*.

16 (2) The management has determined that the
17 occupant has the financial ability to pay the rent and
18 charges of the park; will comply with the rules and
19 regulations of the park, based on the occupant's prior
20 tenancies; and will comply with this article.

21 (3) The management failed or refused to offer the
22 occupant a rental agreement.

23 *SEC. 44. Section 798.78 of the Civil Code is amended*
24 *to read:*

25 798.78. (a) An heir, joint tenant, or personal
26 representative of the estate who gains ownership of a
27 ~~mobilehome~~ *manufactured home* in the ~~mobilehome~~
28 *manufactured home* park through the death of the owner
29 of the ~~mobilehome~~ *manufactured home* who was a
30 homeowner at the time of his or her death shall have the
31 right to sell the ~~mobilehome~~ *manufactured home* to a
32 third party in accordance with ~~the provisions of~~ this
33 article, but only if all the homeowner's responsibilities
34 and liabilities to the management regarding rent,
35 utilities, and reasonable maintenance of the ~~mobilehome~~
36 *manufactured home* and its premises which have arisen
37 since the death of the homeowner have been satisfied as
38 they have accrued pursuant to the rental agreement in
39 effect at the time of the death of the homeowner up until
40 the date the ~~mobilehome~~ *manufactured home* is resold.

1 (b) In the event that the heir, joint tenant, or personal
2 representative of the estate does not satisfy the
3 requirements of subdivision (a) with respect to the
4 satisfaction of the homeowner's responsibilities and
5 liabilities to the management which accrue pursuant to
6 the rental agreement in effect at the time of the death of
7 the homeowner, the management shall have the right to
8 require the removal of the ~~mobilehome~~ *manufactured*
9 *home* from the park.

10 (c) Prior to the sale of a ~~mobilehome~~ *manufactured*
11 *home* by an heir, joint tenant, or personal representative
12 of the estate, that individual may replace the existing
13 ~~mobilehome~~ *manufactured home* with another
14 ~~mobilehome~~ *manufactured home*, either new or used, or
15 repair the existing ~~mobilehome~~ *manufactured home* so
16 that the ~~mobilehome~~ *manufactured home* to be sold
17 complies with health and safety standards provided in
18 Sections 18550, 18552, and 18605 of the Health and Safety
19 Code, and the regulations established thereunder. In the
20 event the ~~mobilehome~~ *manufactured home* is to be
21 replaced, the replacement—~~mobilehome~~ *manufactured*
22 *home* shall also meet current standards of the park as
23 contained in the park's most recent written requirements
24 issued to prospective homeowners.

25 (d) In the event the heir, joint tenant, or personal
26 representative of the estate desires to establish a tenancy
27 in the park, that individual shall comply with those
28 provisions of this article which identify the requirements
29 for a prospective purchaser of a ~~mobilehome~~
30 *manufactured home* that remains in the park.

31 *SEC. 45. Section 798.79 of the Civil Code is amended*
32 *to read:*

33 798.79. (a) Any legal owner or junior lienholder who
34 forecloses on his or her security interest in a ~~mobilehome~~
35 *manufactured home* located in a—~~mobilehome~~
36 *manufactured home* park shall have the right to sell the
37 ~~mobilehome~~ *manufactured home* within the park to a
38 third party in accordance with this article, but only if all
39 of the homeowner's responsibilities and liabilities to the
40 management regarding rent, utilities, and reasonable

1 maintenance of a ~~mobilehome~~ *manufactured home* and
2 its premises are satisfied by the foreclosing creditor as
3 they accrue through the date the ~~mobilehome~~
4 *manufactured home* is resold.

5 (b) In the event the legal owner or junior lienholder
6 has received from the management a copy of the notice
7 of termination of tenancy for nonpayment of rent or
8 other charges, the foreclosing creditor's right to sell the
9 ~~mobilehome~~ *manufactured home* within the park to a
10 third party shall also be governed by Section 798.56a.

11 *SEC. 46. Section 798.80 of the Civil Code is amended*
12 *to read:*

13 798.80. (a) Not less than 30 days nor more than one
14 year prior to an owner of a ~~mobilehome~~ *manufactured*
15 *home* park entering into a written listing agreement with
16 a licensed real estate broker, as defined in Article 1
17 (commencing with Section 10130) of Chapter 3 of Part 1
18 of Division 4 of the Business and Professions Code, for the
19 sale of the park, or offering to sell the park to any party,
20 the owner shall provide written notice of his or her
21 intention to sell the ~~mobilehome~~ *manufactured home*
22 park by first-class mail or by personal delivery to the
23 president, secretary, and treasurer of any resident
24 organization formed by homeowners in the ~~mobilehome~~
25 *manufactured home* park as a nonprofit corporation,
26 pursuant to Section 23701v of the Revenue and Taxation
27 Code, stock cooperative corporation, or other entity for
28 purposes of converting the ~~mobilehome~~ *manufactured*
29 *home* park to condominium or stock cooperative
30 ownership interests and for purchasing the ~~mobilehome~~
31 *manufactured home* park from the management of the
32 ~~mobilehome~~ *manufactured home* park. An offer to sell a
33 park shall not be construed as an offer under this
34 subdivision unless it is initiated by the park owner or
35 agent.

36 (b) An owner of a ~~mobilehome~~ *manufactured home*
37 park shall not be required to comply with subdivision (a)
38 unless the following conditions are met:

39 (1) The resident organization has first furnished the
40 park owner or park manager a written notice of the name

1 and address of the president, secretary, and treasurer of
2 the resident organization to whom the notice of sale shall
3 be given.

4 (2) The resident organization has first notified the
5 park owner or manager in writing that the park residents
6 are interested in purchasing the park. The initial notice
7 by the resident organization shall be made prior to a
8 written listing or offer to sell the park by the park owner,
9 and the resident organization shall give subsequent
10 notice once each year thereafter that the park residents
11 are interested in purchasing the park.

12 (3) The resident organization has furnished the park
13 owner or park manager a written notice, within five days,
14 of any change in the name or address of the officers of the
15 resident organization to whom the notice of sale shall be
16 given.

17 (c) Nothing in this section affects the validity of title
18 to real property transferred in violation of this section,
19 although a violation shall subject the seller to civil action
20 pursuant to Article 8 (commencing with Section 798.84)
21 by homeowner residents of the park or the resident
22 organization.

23 (d) Nothing in this section affects the ability of a
24 licensed real estate broker, as defined in Article 1
25 (commencing with Section 10130) of Chapter 3 of Part 1
26 of Division 4 of the Business and Professions Code, to
27 collect a commission pursuant to an executed contract
28 between the broker and the ~~mobilehome~~ *manufactured*
29 *home* park owner.

30 (e) Subdivision (a) does not apply to any of the
31 following:

32 (1) Any sale or other transfer by a park owner who is
33 a natural person to any relation specified in Section 6401
34 or 6402 of the Probate Code.

35 (2) Any transfer by gift, devise, or operation of law.

36 (3) Any transfer by a corporation to an affiliate. As
37 used in this paragraph, “affiliate” means any shareholder
38 of the transferring corporation, any corporation or entity
39 owned or controlled, directly or indirectly, by the
40 transferring corporation, or any other corporation or

1 entity controlled, directly or indirectly, by any
2 shareholder of the transferring corporation.

3 (4) Any transfer by a partnership to any of its partners.

4 (5) Any conveyance resulting from the judicial or
5 nonjudicial foreclosure of a mortgage or deed of trust
6 encumbering a ~~mobilehome~~ *manufactured home* park or
7 any deed given in lieu of such a foreclosure.

8 (6) Any sale or transfer between or among joint
9 tenants or tenants in common owning a ~~mobilehome~~
10 *manufactured home* park.

11 (7) The purchase of a ~~mobilehome~~ *manufactured*
12 *home* park by a governmental entity under its powers of
13 eminent domain.

14 *SEC. 47. Section 798.81 of the Civil Code is amended*
15 *to read:*

16 798.81. The management (1) shall not prohibit the
17 listing or sale of a used ~~mobilehome~~ *manufactured home*
18 within the park by the homeowner, an heir, joint tenant,
19 or personal representative of the estate who gains
20 ownership of a ~~mobilehome~~ *manufactured home* in the
21 ~~mobilehome~~ *manufactured home* park through the death
22 of the owner of the ~~mobilehome~~ *manufactured home*
23 who was a homeowner at the time of his or her death, or
24 the agent of any such person other than the management,
25 (2) nor require the selling homeowner to authorize the
26 management to act as the agent in the sale of a
27 ~~mobilehome~~ *manufactured home* as a condition of
28 approval of the buyer or prospective homeowner for
29 residency in the park.

30 *SEC. 48. Section 798.83 of the Civil Code is amended*
31 *to read:*

32 798.83. In the case of a sale or transfer of a
33 ~~mobilehome~~ *manufactured home* that will remain in the
34 park, the management of the park shall not require
35 repairs or improvements to the park space or property
36 owned by the management, except for damage caused by
37 the actions or negligence of the homeowner or an agent
38 of the homeowner.

39 *SEC. 49. Section 798.87 of the Civil Code is amended*
40 *to read:*

1 798.87. (a) The substantial failure of the
2 management to provide and maintain physical
3 improvements in the common facilities in good working
4 order and condition shall be deemed a public nuisance.
5 Notwithstanding Section 3491, ~~such a~~ this nuisance may
6 only be remedied by a civil action or abatement.

7 (b) The substantial violation of a ~~mobilehome~~
8 *manufactured home* park rule shall be deemed a public
9 nuisance. Notwithstanding Section 3491, ~~such a~~ this
10 nuisance may only be remedied by a civil action or
11 abatement.

12 (c) A civil action pursuant to this section may be
13 brought by a park resident, the park management, or in
14 the name of the people of California by the district
15 attorney or the city attorney of the jurisdiction in which
16 the park is located.

17 *SEC. 50. Section 798.88 of the Civil Code is amended*
18 *to read:*

19 798.88. (a) In addition to any right under Article 6
20 (commencing with Section 798.55) to terminate the
21 tenancy of a homeowner, any person in violation of a
22 reasonable rule or regulation of a ~~mobilehome~~
23 *manufactured home* park may be enjoined from the
24 violation as provided in this section.

25 (b) A petition for an order enjoining a continuing or
26 recurring violation of any reasonable rule or regulation of
27 a ~~mobilehome~~ *manufactured home* park may be filed by
28 the management thereof with the superior court for the
29 county in which the ~~mobilehome~~ *manufactured home*
30 park is located. At the time of filing the petition, the
31 petitioner may obtain a temporary restraining order in
32 accordance with subdivision (a) of Section 527 of the
33 Code of Civil Procedure. A temporary order restraining
34 the violation may be granted, with notice, upon the
35 petitioner's affidavit showing to the satisfaction of the
36 court reasonable proof of a continuing or recurring
37 violation of a rule or regulation of the ~~mobilehome~~
38 *manufactured home* park by the named homeowner or
39 resident and that great or irreparable harm would result

1 to the management or other homeowners or residents of
2 the park from continuance or recurrence of the violation.

3 (c) A temporary restraining order granted pursuant to
4 this subdivision shall be personally served upon the
5 respondent homeowner or resident with the petition for
6 injunction and notice of hearing thereon. The restraining
7 order shall remain in effect for a period not to exceed 15
8 days, except as modified or sooner terminated by the
9 court.

10 (d) Within 15 days of filing the petition for an
11 injunction, a hearing shall be held thereon. If the court,
12 by clear and convincing evidence, finds the existence of
13 a continuing or recurring violation of a reasonable rule or
14 regulation of the ~~mobilehome~~ *manufactured home* park,
15 the court shall issue an injunction prohibiting the
16 violation. The duration of the injunction shall not exceed
17 three years.

18 (e) However, not more than three months prior to the
19 expiration of an injunction issued pursuant to this section,
20 the management of the ~~mobilehome~~ *manufactured*
21 *home* park may petition under this section for a new
22 injunction where there has been recurring or continuous
23 violation of the injunction or there is a threat of future
24 violation of the ~~mobilehome~~ *manufactured home* park's
25 rules upon termination of the injunction.

26 (f) Nothing shall preclude a party to an action under
27 this section from appearing through legal counsel or in
28 propria persona.

29 (g) The remedy provided by this section is
30 nonexclusive and nothing in this section shall be
31 construed to preclude or limit any rights the
32 management of a ~~mobilehome~~ *manufactured home* park
33 may have to terminate a tenancy.

34 *SEC. 51. Section 799 of the Civil Code is amended to*
35 *read:*

36 799. As used in this article:

37 (a) "Ownership or management" means the
38 ownership or management of a subdivision, cooperative,
39 or condominium for—~~mobilehomes~~ *manufactured homes*,

1 or of a resident-owned—~~mobilehome~~ *manufactured home*
2 park.

3 (b) “Resident” means a person who maintains a
4 residence in a subdivision, cooperative, or condominium
5 for—~~mobilehomes~~ *manufactured homes*, or a
6 resident-owned—~~mobilehome~~ *manufactured home* park.

7 (c) “Resident-owned—~~mobilehome~~ *manufactured*
8 *home* park” means any entity other than a subdivision,
9 cooperative, or condominium for—~~mobilehomes~~
10 *manufactured homes*, through which the residents have
11 an ownership interest in the—~~mobilehome~~ *manufactured*
12 *home* park.

13 SEC. 52. *Section 799.1 of the Civil Code is amended*
14 *to read:*

15 799.1. This article shall govern the rights of a resident
16 who has an ownership interest in the subdivision,
17 cooperative, or condominium for—~~mobilehomes~~
18 *manufactured homes*, or a resident-owned—~~mobilehome~~
19 *manufactured home* park in which his or her—~~mobilehome~~
20 *manufactured home* is located or installed. In a
21 subdivision, cooperative, or condominium for
22 ~~mobilehomes~~ *manufactured homes*, or a resident-owned
23 ~~mobilehome~~ *manufactured home* park, Articles 1
24 (commencing with Section 798) to 8 (commencing with
25 Section 798.84), inclusive, shall apply only to a resident
26 who does not have an ownership interest in the
27 subdivision, cooperative, or condominium for
28 ~~mobilehomes~~ *manufactured homes*, or the
29 resident-owned—~~mobilehome~~ *manufactured home* park,
30 in which his or her—~~mobilehome~~ *manufactured home* is
31 located or installed.

32 SEC. 53. *Section 799.2 of the Civil Code is amended*
33 *to read:*

34 799.2. The ownership or management shall not show
35 or list for sale a—~~mobilehome~~ *manufactured home* owned
36 by a resident without first obtaining the resident’s written
37 authorization. The authorization shall specify the terms
38 and conditions regarding the showing or listing.

39 Nothing contained in this section shall be construed to
40 affect the provisions of the Health and Safety Code

governing the licensing of ~~mobilehome~~ manufactured home salesmen.

SEC. 54. Section 799.3 of the Civil Code is amended to read:

799.3. The ownership or management shall not require the removal of a ~~mobilehome~~ manufactured home from a subdivision, cooperative, or condominium for ~~mobilehomes~~ manufactured homes, or resident-owned ~~mobilehome~~ manufactured home park in the event of its sale to a third party.

SEC. 55. Section 799.4 of the Civil Code is amended to read:

799.4. The ownership or management may require the right to prior approval of the purchaser of a ~~mobilehome~~ manufactured home that will remain in the subdivision, cooperative, or condominium for ~~mobilehomes~~ manufactured homes, or resident-owned ~~mobilehome~~ manufactured home park and that the selling resident, or his or her agent give notice of the sale to the ownership or management before the close of the sale. Approval cannot be withheld if the purchaser has the financial ability to pay the fees and charges of the subdivision, cooperative, or condominium for ~~mobilehomes~~ manufactured homes, or resident-owned ~~mobilehome~~ manufactured home park unless the ownership or management reasonably determines that, based on the purchaser's prior residences, he or she will not comply with the rules and regulations of the subdivision, cooperative, or condominium for ~~mobilehomes~~ manufactured homes, or resident-owned ~~mobilehome~~ manufactured home park.

SEC. 56. Section 799.5 of the Civil Code is amended to read:

799.5. The ownership or management may require that a purchaser of a ~~mobilehome~~ manufactured home that will remain in the subdivision, cooperative, or condominium for ~~mobilehomes~~ manufactured homes, or resident-owned ~~mobilehome~~ manufactured home park comply with any rule or regulation limiting residency based on age requirements for housing for older persons,

1 provided that the rule or regulation complies with—~~the~~
2 ~~provisions of~~ the federal Fair Housing Act, as amended by
3 Public Law 104-76, and implementing regulations.

4 *SEC. 57. Section 799.7 of the Civil Code is amended*
5 *to read:*

6 799.7. The ownership or management shall provide,
7 by posting notice on the—~~mobilehomes~~ *manufactured*
8 *homes* of all affected homeowners and residents, at least
9 72 hours' written advance notice of an interruption in
10 utility service of more than two hours for the
11 maintenance, repair, or replacement of facilities of utility
12 systems over which the management has control within
13 the subdivision, cooperative, or condominium for
14 ~~mobilehomes~~ *manufactured homes*, or resident-owned
15 ~~mobilehome~~ *manufactured home* park, if the
16 interruption is not due to an emergency. The ownership
17 or management shall be liable only for actual damages
18 sustained by a homeowner or resident for violation of this
19 section.

20 "Emergency," for purposes of this section, means the
21 interruption of utility service resulting from an accident
22 or act of nature, or cessation of service caused by other
23 than the management's regular or planned maintenance,
24 repair, or replacement of utility facilities.

25 *SEC. 58. Section 799.8 of the Civil Code is amended*
26 *to read:*

27 799.8. The management, at the time of an application
28 for residency, shall disclose in writing to any person who
29 proposes to purchase or install a manufactured home ~~or~~
30 ~~mobilehome~~ on a space or lot, on which the construction
31 of the pad or foundation system commenced after
32 September 1, 1986, and no other manufactured home ~~or~~
33 ~~mobilehome~~ was previously located, installed, or
34 occupied, that the manufactured home ~~or—mobilehome~~
35 may be subject to a school facilities fee under Sections
36 53080 and 53080.4 of, and Chapter 4.9 (commencing with
37 Section 65995) of Division 1 of Title 7 of, the Government
38 Code.

39 *SEC. 59. Section 799.9 of the Civil Code is amended*
40 *to read:*

1 799.9. (a) A senior homeowner may share his or her
2 mobilehome with any person 18 years of age or older if
3 that person is providing live-in health care, live-in
4 supportive care, or supervision to the homeowner
5 pursuant to a written treatment plan prepared by a
6 physician and surgeon. A fee shall not be charged by
7 management for that person. That person shall have no
8 rights of tenancy in, and shall comply with the rules and
9 regulations of, the subdivision, cooperative, or
10 condominium for mobilehomes, or resident-owned
11 mobilehome park. As used in this subdivision, “senior
12 homeowner” means a homeowner or resident who is 55
13 years of age or older.

14 (b) A senior homeowner who resides in a subdivision,
15 cooperative, or condominium for mobilehomes, or a
16 resident-owned mobilehome park, that has implemented
17 rules or regulations limiting residency based on age
18 requirements for housing for older persons, pursuant to
19 Section 799.5, may share his or her mobilehome with any
20 person 18 years of age or older if this person is a parent,
21 sibling, child, or grandchild of the senior homeowner and
22 requires live-in health care, live-in supportive care, or
23 supervision pursuant to a written treatment plan
24 prepared by a physician and surgeon. A fee shall not be
25 charged by management for that person. Unless
26 otherwise agreed upon, the management shall not be
27 required to manage, supervise, or provide for this
28 person’s care during his or her stay in the subdivision,
29 cooperative or condominium for mobilehomes, or
30 resident-owned mobilehome park. That person shall have
31 no rights of tenancy in, and shall comply with the rules
32 and regulations of, the subdivision, cooperative, or
33 condominium for mobilehomes, or resident-owned
34 mobilehome park. As used in this subdivision, “senior
35 homeowner” means a homeowner or resident who is 55
36 years of age or older.

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